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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: ASPAR et al.

SERIAL NO.: 10/784,601

FILED: February 23, 2004

FOR: A Method for Producing a Thin Layer of Semiconductor Material

DOCKET: BREV 12370 CON4

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and that the documents listed on the attached Form PTO-1449 be considered by the Examiner and made of record.

Applicants wish to bring to the attention of the Examiner the existence of a co-pending reissue patent application having serial no. 10/449,786, filed May 30, 2003 and pending in Group Art Unit 2813 before Examiner Erik J. Kielin. The reissue patent application is assigned to the assignee of record in the above-referenced application and seeks to reissue U.S. Patent 5,374,564, which is of record in the present application. Michel Bruel is the sole inventor of U.S. Patent 5,374,564 and a co-inventor of the present application. In accordance with 37 C.F.R.

§ 1.98(a)(2), a copy of the claims currently pending in the reissue application are enclosed.

The reissue application was filed during concurrent litigation involving U.S. Patent 5,374,564 in the District of Massachusetts (*Soitec, S.A. and Commissariat a L'Energie*

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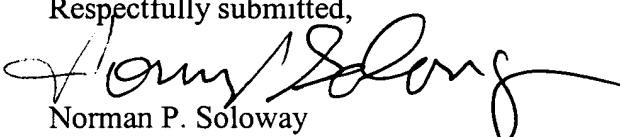
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Atomique v. Silicon Genesis Corporation (cv 99-10826-NG)), and of a subsequent appeal to the Court of Appeals for the Federal Circuit (*Soitec, S.A. and Commissariat a L'Energie Atomique* (Plaintiffs-Appellants) v. *Silicon Genesis Corporation* (Defendant-Cross Appellant) (Case no. 03-1080)). On November 26, 2003, the Court of Appeals for the Federal Circuit rendered its decision upholding the district court's August 23, 2002 finding of invalidity of claims 1-3, 5 and 9 for lack of enablement. On January 7, 2004, the Court of Appeals issued an Order denying Appellant's Petition for rehearing and issued a Judgment Mandate.

This Information Disclosure Statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(a). No representation is made that the information thus disclosed in fact constitutes prior art or that it is the closest prior art inasmuch as 37 CFR 1.56(a) relies on a materiality concept.

The enclosed Supplemental Information Disclosure Statement is being submitted before the first action on the merits. Therefore, we believe there are no fees involved with this Information Disclosure Statement. In the event there are additional fees payable, please charge them to our Deposit Account No. 08-1391.

Respectfully submitted,



Norman P. Soloway
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 2, 2004 at Tucson, Arizona.

By:



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<p style="text-align: center;">INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p> <p style="text-align: center;">DEC 06 2004</p> <p style="text-align: center;">DEC 06 2004</p> <p style="text-align: center;">JC2</p>				Docket Number (Optional) BREV 12370 CON4		Application Number 10/784,601	
				Applicant(s) ASPAR et al.			
				Filing Date February 23, 2004		Group Art Unit 2812	
				U.S. PATENT DOCUMENTS			
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
U.S. PATENT APPLICATION PUBLICATIONS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		Reissue App. 10/449,786					
FOREIGN PATENT DOCUMENTS							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation
							YES
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>							
EXAMINER				DATE CONSIDERED			
<p>EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>							